

**Board of Veterans Services
Meeting Minutes
January 8, 2007**

A meeting of the Board of Veterans Services (BVS) was held on Monday, January 8, 2007 at the American Legion Department of Virginia in Richmond.

Members Present

Mason Botts; Vince Burgess; Kirk Cox; Paris Davis; John Edwards; Lydia Dudley; Paul Galanti; Pat Green; Thad Jones; Bill Leighty; Al Sample; Judson Stanley; Max Taylor; and Vivian Watts.

Members Absent

John Anderson; Mark Cole; Jay O'Brien; Samuel Metters; and Bettye Simmons.

Commonwealth of Virginia Officials Present

Anne Atkins, Communications Director, Virginia Department of Veterans Services; C. L. "Bert" Boyd, Chief Operating Officer, Department of Veterans Services; Sam Brown, Training Coordinator, Department of Veterans Services; Jimmy Campbell, Financial Manager, Department of Veterans Services; Steve Combs, Director of Policy and Planning, Department of Veterans Services; Lew Deal, Outreach Director, Department of Veterans Services; Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services; Andrew Edwards, Webmaster, Department of Veterans Services; Fred Fralin, Benefits Services Manager, Department of Veterans Services; Don Ferguson, Assistant Attorney General, Office of the Attorney General; Dan Kemano, Cemeteries Director, Department of Veterans Services; Annie Mosby, Director, State Approving Agency for Veterans Education and Training, Department of Veterans Services; David Simmons, Information Technology Manager, Department of Veterans Services; Roz Trent, Deputy Director of Board Operations, Department of Veterans Services; and Bill Van Thiel, Administrator, Virginia Veterans Care Center, Department of Veterans Services.

Others Present

Tom Briggs, Roger Overstreet and Roger Sullivan of the Virginia Veterans Coalition; Orthea Harcum; Fred Norman, Northrup Grumman; Dennis Green, TecAccess; and Ned Hunter, Stratizon.

Materials Distributed

Meeting agenda; draft minutes of the September 18, 2006 meeting; copy of Chairman Galanti's January 8, 2006 letter to legislative Board members regarding proposed amendments to the 2006-2008 state budget; Summary of Veterans Benefits, Health Care and Information Technology Act of 2006; summary of efforts to construct an education center at the Virginia War Memorial; Board of Veterans Services Significant Action Schedule; Care Centers Subcommittee Report; DVS Status Report on Audit Plan of Correction for 2006 APA Audit Report; December 21, 2006 e-mail message from Dan Kemano regarding a conference call on the Southwest Virginia veterans cemetery; January 7, 2007 e-mail message from Dan Kemano regarding cemeteries discussion at the January 8 Board meeting; January 3, 2007 letter from Valentine Southall, Jr. saying he would not agree to signage for the Virginia Veterans Cemetery being

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placed on his property; Budget and Strategic Planning Sub-Committee Chairman's report; January 8, 2007 letter from Budget and Strategic Planning ad hoc Subcommittee Chairman Metters to Pat Green, Thad Jones and Al Sample regarding the DVS Strategic Plan and Service Area Plan Review; Veterans Services Foundation Board of Trustees' Chairman's Report; Joint Leadership Council of Veterans Service Organizations (JLC) 2006 Annual Report; and DVS Commissioner's 2006 Annual Report.

Call to Order

With of 10 of 19 members present, Chairman Galanti called the meeting to order at approximately 1:05 p.m. Delegate Cox, Senator Edwards, Bill Leighty, Al Sample and Delegate Watts arrived shortly after the meeting began. The membership and guests recited the pledge of allegiance to the American flag.

Approval of Minutes

A **motion** was made by Delegate Cox and seconded by Mason Botts to approve the minutes as drafted.

Judson Stanley stated that he believed the minutes did not provide enough detail of the meeting discussion, especially with regard to subcommittee reports. Mr. Stanley suggested that the minutes be redrafted to reflect more detail, and approval be tabled until the next meeting. After discussion, everyone agreed with Delegate Cox's suggestion that future minutes remain brief but with slightly more detail on subcommittee reports.

Everyone but Mr. Stanley voted to approve the minutes with the following addition:

P. 2, ¶ 5 – An audio copy of the meeting minutes is available to the public upon request to the Commissioner's Office.

Department of Veterans Services Initiatives

Commissioner Burgess asked Director of Finance and Administration Armistead Ransone to introduce new DVS staff members. Mr. Ransone said that Donna Shumate had joined DVS to assist the human resource office with staffing the Sitter-Barfoot Veterans Care Center (SBVCC); former Benefits Services Regional Manager Sam Brown now is serving at Benefits Training Coordinator; David Simmons joined DVS as its Information Technology Manager; and Jimmy Campbell has joined DVS as its Financial Manager.

Commissioner Burgess then briefed the Board on Governor Kaine's legislation that will be introduced in the 2007 General Assembly Session with regard to the Virginia Military Survivors and Dependents Education Program (VMSDEP). The legislation will strengthen and clarify certain components of the program and be patroned by Delegate Bill Janis. Commissioner Burgess added that Governor Kaine also has included \$1 million in his budget proposal to support the program.

Commissioner Burgess reported that DVS has two Requests for Proposal (RFPs) pending. The first is for the study on the need for additional veterans care centers and additional beds at the SBVCC. Commissioner Burgess said the proposals received thus far have been cost prohibitive,

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so DVS is looking at alternatives such as working with state universities to complete the study. The other RFP relates to a study on the need for additional cemeteries, which is due to the General Assembly by June 30, 2007.

Commissioner Burgess advised that DVS is working on three thrusts of Executive Order 19 (Serving Virginia Veterans), including technology, outreach and workforce development. Commissioner Burgess noted that Chairman Galanti and Al Sample are very much involved with these initiatives, as well as Dean Holsworth of Virginia Commonwealth University.

Commissioner Burgess called attention to the meeting handout outlining Governor Kaine's 2007 budget proposal for DVS; as well as the handout relating to the DVS status report on the Auditor of Public Accounts' audit points.

Pre-Registered Public Comment

Roger Sullivan of the Virginia Veterans Coalition (the Coalition) spoke during the pre-registered public comment period. Mr. Sullivan echoed Mr. Stanley's comments about the minutes of the September 18, 2006 meeting, saying they left out a lot of information, especially with respect to subcommittee reports. He stated he may begin videotaping the meetings and indicated his wife would assist him in providing accurate meeting minutes to anyone who wants them.

Mr. Sullivan noted that he and his fellow veterans are not kept informed by agency staff as to DVS activities relating to the care centers, cemeteries and boards, adding they must plead for information to get it, or seek it through Freedom of Information Act requests.

Mr. Sullivan said he and the other Coalition members would defer the remainder of their comments to the second public comment period.

Subcommittee Reports

Benefits Subcommittee

Al Sample reported on a recent decision by the Court of Appeals for Veterans Claims in Haas v. Nicholson. This case addresses the claim that Navy personnel were exposed to dioxin while serving in waters off the shore of Vietnam during the war. The Court reversed the decision of the Board of Veterans Appeals that denied entitlement to service connection for medical conditions related to the exposure and remanded the case to the Board of Veterans appeals, with the instruction to apply presumption in a manner consistent with the interpretation set forth in the Court's opinion.

Mr. Sample also reported on recent Congressional legislation that will remove limitations on attorney representation in veterans administrative proceedings; and legislation that will allow the U. S. Department of Veterans Affairs (VA) to proceed with major construction projects across the country that would improve mental health care access, enhance telemedicine and assistance to homeless veterans and improve protection of veterans' personal information.

Mr. Sample said he also has been working with DVS on projects to ensure that the various state agencies are in compliance with EO 19 by reporting on efforts to improve services to veterans

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across the Commonwealth. Mr. Sample added that he also has been working with DVS on workforce development measures for veterans in the Commonwealth, in accordance with EO 25; as well as addressing procurement issues relating to Small, Minority-Owned Businesses and Veteran-Owned Businesses across the Commonwealth, in accordance with EO 33.

Mr. Sample noted that he, Commissioner Burgess and other DVS senior staff recently had met with VA undersecretaries in an attempt to establish a partnership that would enhance benefits training and certification procedures for Veterans Services Representatives.

Benefits Manager Fred Fralin said that the Haas decision was appealed to the U. S. Court of Appeals, Federal Circuit, which reversed the decision by the Court of Appeals for Veterans Claims, and now will be decided by the U. S. Supreme Court, if it agrees to accept the case for hearing. Mr. Fralin said the substance of the case consists of whether the VA regulations with respect to presumption were properly applied and that the final disposition will have a significant impact on claims processing for these veterans. Mr. Fralin also reported on Dinges v. Nicholson, which deals with veterans granted entitlement to pension based on having attained the age of 65, and provides for an additional monthly pension amount if the decision by the Court of Appeals for Veterans Claims is not reversed.

Care Centers Subcommittee

Thad Jones began his report by calling attention to his written report distributed in the agenda packets.

Mr. Jones said that the mission of the care centers is to provide affordable, high quality and comprehensive nursing and domiciliary care to Virginia veterans. Mr. Jones reported that the Administrator position for the SBVCC has been posted in local newspapers, and that the posting included the salary range of \$60,000 – \$115,000.

Mr. Jones reported that plans for a care center for the Hampton Roads area are being discussed, but have not yet been finalized.

Mr. Jones then asked Mr. Van Thiel to report on the progress of the SBVCC and other care center activities. Mr. Van Thiel said the SBVCC completion date is approximately 23 days behind schedule, due to some delays encountered with repainting that had to be done after the installation of electrical items. Mr. Van Thiel said he believes this delay will be made up and that he would keep the Board advised on the progress. Mr. Van Thiel said that first interviews for the SBVCC Administrator position will be conducted on February 1.

Mr. Van Thiel said that the addition to the SBVCC had been number 88 on the VA's priority list of projects and has not been funded. Mr. Van Thiel added that the Hampton VAMC project also was not funded and is number 99 on the VA's priority list.

Mr. Van Theil reported that the Medicare/Medicaid licensure survey for the Virginia Veterans Care Center (VVCC) was conducted in October. Only two D-level deficiencies were reported, which involved documentation, with no patient involvement or harm. Mr. Van Theil also reported that in November the new Fire Marshall conducted an inspection and found deficiencies

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for extension cords in every office. The Fire Marshall also found a deficiency in the fire pump inspection, which was approximately one month overdue. Mr. Van Thiel said that the fire pump inspection had purposely been delayed, because water runoff from testing of the pump would have created problems for the new landscaping at the property. Mr. Van Theil stated that all fire inspection deficiencies have been corrected.

Mr. Van Thiel reported that on November 20, the Department of Social Services conducted an inspection of the VVCC domiciliary unit, with zero deficiencies.

Mr. Van Theil said that the Certified Nursing Assistant program had been submitted to the Department of Health Professions (DHP), but because some of the regulations had changed, the submission had to be revised somewhat. Mr. Van Thiel said the program has been approved by DHP and is awaiting full approval by the Board of Nursing.

With respect to the renovations at the VVCC, Mr. Van Theil reported that the storage building is complete and operational; the laundry will be complete once some equipment specifications and installation issues are resolved, which should be done by the end of January; and the final touches for the handrails, baseboards and public restroom flooring currently are being done.

Mr. Jones reported that a meeting of the Veterans Care Center Advisory Committee was held on October 18, at which Commissioner Burgess gave an excellent presentation on why it had become necessary to reduce the footprint of the SBVCC. Mr. Jones said that the minutes of that meeting are available on the DVS web site.

Mr. Jones also reported that he, Commissioner Burgess and other DVS staff met with Brian Batulis of the Louisiana Department of Veterans Affairs and President of the National Association of State Veterans Homes on December 1 to discuss his ideas on the start-up of the SBVCC. Mr. Jones expressed confidence in Commissioner Burgess and his staff to implement the recommendations that came out of that meeting.

Mr. Jones also praised Mr. Van Thiel and his staff for the very favorable 2006 VVCC Customer Satisfaction Survey, which noted excellent customer service and friendliness; and quality health care and food service at the VVCC, among other things.

Senator Edwards asked when the funding for the SBVCC additional beds might be approved. Commissioner Burgess said he hoped to see the funding in federal fiscal year 2009. Commissioner Burgess added that this is an item he will address when he meets with new U. S. Senator Jim Webb, who serves on the Veterans Affairs Committee.

Anne Atkins reported that Mrs. Ruth Sitter and Col. Van Barfoot will tour the SBVCC on January 26. Mr. Atkins said it is hoped that Mrs. Sitter and Col. Barfoot will donate memorabilia for display at the SBVCC. Ms. Atkins also said that activities are being planned for the opening of the SBVCC, including a black-tie event, ribbon cutting ceremony and picnic or carnival afterwards over the course of one-to-two weekends.

Mr. Leighty inquired as why the VVCC does not have full occupancy at all times. Mr. Van

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Theil explained that, at any point in time, residency applications are being evaluated and that the discharge and application processing time accounts for the delay in filling beds, adding that Medicare and Medicaid do not pay for holding beds open and, therefore, those occupancy days are lost when a patient goes to the hospital.

Cemeteries Subcommittee

Pat Green began his report by calling attention to the cemeteries summaries that were included in the agenda packets. Mr. Green stated that Judson Stanley had agreed to assist him with work associated with the Virginia Veterans Cemetery in Amelia (Amelia cemetery), and that he has asked members of the Subcommittee residing in the Washington, D.C. metro area to work with a vendor that supplies free wreaths for veterans to see if Virginia veterans cemeteries could become eligible for this service.

Mr. Green said he has asked Subcommittee members Bettye Simmons, Al Sample and John Anderson to assist him with the work associated with the Albert G. Horton, Jr. Memorial Veterans Cemetery (Horton cemetery).

Mr. Green emphasized the importance of the Board being represented at cemetery events on national holidays.

Mr. Green reported that the Amelia Cemetery has a new Superintendent, Dorsey Drawhorn, and that the burials for that cemetery currently are approximately 231, annually. Mr. Green said he believes the reason the Amelia cemetery has not had as many burials as the Horton cemetery is due to the lack of communication and awareness, and stressed the importance of the JLC in getting the word out to their member organizations and local chapters.

Mr. Green said he would like to discuss with Commissioner Burgess and Dan Kemano the possibility of adding some line items to the cemeteries budget for the coming fiscal year to cover signage and print and media advertising. Mr. Green said he also would like to see funding for free vaults, like some other states and the national cemeteries offer. Mr. Kemano noted that, currently, funeral homes contract with vault companies to provide the vault; the funeral home installs the vault; and the deceased veteran's family pays the cost, which amounts to from \$800 to \$1,100. Mr. Kemano added that pre-installed vaults are best, because of the convenience and the fact that the National Cemeteries Administration (NCA) helps cover the cost of the installation through grant funding. Commissioner Burgess suggested making this idea a part of DVS's plan to implement EO19.

Mr. Green said that veterans cemetery plots are designed to hold up to three caskets to accommodate special burials such as a dependent child or second spouse, making it necessary to dig the gravesites very deep. Mr. Green suggested that an alternative would be to bury the deceased vertically, versus laterally, for a cost savings. Mr. Kemano said that he is not sure if the NCA would approve of that type of burial.

Mr. Green asked for the help of the JLC in securing donated benches for cemeteries.

With respect to the proposed Southwest Virginia cemetery, Mr. Green noted that the Dublin site

adjacent to the Radford Army Ammunitions Plant has not been used since 1945 and that prior to that time, it was used only as farm land. Mr. Boyd added that, even if the land has not been used for anything but farming, the Army Corps of Engineers still must approve of its use for a cemetery. Mr. Leighty said the property is ready for legal transfer, but that the Commonwealth must pay for engineering and site work, adding that the Governor may include another \$500,000 in his budget proposal for this purpose.

Mr. Green noted that approximately \$30,000 – \$40,00 is needed to secure better signage for both cemeteries. Mr. Green stated he and Mr. Kemano are communicating with the vendor that the Department of Transportation (VDOT) contracts with for road signage, but that the funding is necessary to accomplish the goal. Mr. Green emphasized the importance of discussing signage for the new Southwest Virginia Cemetery now with the VDOT vendor. Mr. Green noted that a private landowner had been approached about the possibility of placing signage on his property, but he declined to accept the proposal. Mr. Stanley suggested that someone other than a state employee approach the private landowner again about placing the signage on his property, explaining this is not a favor to the Commonwealth, but a way to honor veterans interred at the cemetery.

Budget and Strategic Planning Ad Hoc Subcommittee

Steve Combs provided the Subcommittee report in Dr. Metters' absence from the meeting. Mr. Combs said that Dr. Metters plans to schedule a Subcommittee meeting in the near future, so that it can begin working with DVS on the next version of the DVS Strategic Plan, focusing not on a wholesale revision, but on enhancements to the current Plan. Mr. Combs said that Dr. Metters has sent a letter to the chairmen of the Benefits and Care Centers Subcommittees, asking them to review the DVS Service Area plans for these two areas, with the request that they report to him before the next Board meeting.

Mr. Combs called attention to the DVS Audit Plan of Correction status report. Mr. Combs said that DVS has been keeping Dr. Metters updated on the actions associated with the Plan. Mr. Combs said all Board members should have been receiving the Monthly Summary of Operations from Director of Finance and Administration Armistead Ransone and asked Board members to contact DVS with any comments or suggestions they may have about the summary.

Mr. Combs discussed Governor Kaine's budget proposal, which includes the following:

- An additional \$734,000 and four positions for DVS, \$79,00 of which is for additional funding for cemeteries to align current salaries with market conditions;
- \$100,000 for care centers to address modernization of patient medical records technology; and
- \$555,000 and four positions for enhancing DVS administrative capacity and providing the resources to address Communications, Information Technology, Financial Management, Procurement and Contracting and Human Resources.

General Assembly Report

Chairman Galanti reported that for the first time in the history of the DVS, 21 Veterans Service Organizations (VSOs) put together a prioritized list of General Assembly action items and asked

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Senator Edwards and Delegate Watts to provide an overview of the upcoming General Assembly session.

Senator Edwards said there will be budget amendments he hopes to see passed, including those for the War Memorial Education Wing and veterans cemeteries.

Delegate Watts said there will be legislation offered that would define taxation on income for service men and women while they are deployed, in an attempt to conform with the federal tax code. Delegate Watts also said she has patroned legislation to clarify the statute relating to VMSDEP and provide funding for tuition and fees.

Mr. Stanley asked for the support of the Board and its legislative members for funding for the educational wing at the War Memorial.

Comments from the Chairs

Mason Botts said that in September, the JLC had agreed on seven legislative priorities for the upcoming General Assembly session. Mr. Botts said that the payday lending issue is going well, with Board Chairman Galanti and JLC Vice Chairman Sam Wilder testifying at legislative hearings. Mr. Botts said that federal legislation that has been passed on this issue affects only active duty, Guard and Reserve troops, not veterans. Mr. Botts said Delegate Cox and Senator Edwards will be sponsoring legislation for the War Memorial.

Mr. Botts reported that veterans advocate Scott Golding made a presentation at the last JLC meeting regarding his personal experience with the VMSDEP and what programmatic changes he believes should be made.

Chairman Galanti praised the Board's subcommittee chairs for their input into the JLC Legislative Agenda and for the collaboration between the Board and JLC in past sessions to achieve good results for Virginia veterans.

Lydia Dudley said she recently had participated in several conference calls and meetings with the leadership of the Board and the JLC, as well as DVS program managers for the purpose of identifying needs that could be met by Foundation funding. Ms. Dudley said the results of those meetings were presented to the Veterans Services Foundation Board of Trustees (VSF) at its December meeting. Ms. Dudley thanked Board Chairman Galanti and JLC Chairman Botts for their cooperation in this effort.

Ms. Dudley noted that the VSF also is considering a policy and procedure that will govern how DVS handles donations to the VSF Fund.

Mr. Green asked whether the VSF Fund is a 501(c)(3) organization under Internal Revenue Service regulations. Ms. Dudley said this matter has been discussed, but no decision has yet been made. Mr. Botts added that some of the JLC members are researching this matter and will report back to Ms. Dudley. Mr. Green emphasized the importance of the donations being used for the specific purpose designated by the donor.

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Delegate Watts said most of the items identified in the needs assessment are appropriate for supplemental foundation funding, but she had questions about the item relating to the development of an automated claims processing system. Chairman Galanti explained that this is a pilot project designed to streamline claims processing for veterans. Ms. Dudley said that the idea is for the VSF to possibly fund a piece of the initiative, but not full funding. Commissioner Burgess said the goal is to develop a prototype, then garner government-funded resources.

Bill Leighty said that last week the Governor announced a \$3 million innovations fund for agencies to come forward with innovative proposals to improve services and/or reduce their complexity. Mr. Leighty said that \$50,000 of the \$3 million had been approved as seed money for this project.

Date and Location of Next Meeting

Commissioner Burgess noted that a meeting with the Chairs of the Board, JLC and VSF, as well the Chairs of the Board subcommittees will need to take place to review preliminarily DVS EO 19 information, before the report to the Governor is prepared. Anne Atkins suggested that this meeting take place some time in February, if possible.

The next meeting of the Board is scheduled as a working lunch for March 19, 2007, 11:30 p.m., at the American Legion Department of Virginia in Richmond.

Thad Jones suggested that the remaining meetings for 2007 be scheduled now, and Chairman Galanti asked DVS staff to send out prospective dates to everyone before doing so.

Open Public Comment and Roundtable Discussion

Chairman Galanti asked Ned Hunter to discuss technical processes that Stratizon has developed to make database information remotely accessible by claims agents on secure servers. Mr. Hunter said that he has worked on several successful military projects and looks forward to working with DVS on the claims processing pilot program.

Roger Sullivan asked Bill Van Thiel about the SBVCC addition being number 88 on the VA priority list, saying his information indicated it was number 78. Bill said he would review again the priority list.

Mr. Sullivan asked Al Sample about the new legislation that allows for some involvement by attorneys in preparing veterans claims. Mr. Sullivan said that he understood that attorneys may become involved only after the initial claim has been denied, and Sam Brown confirmed this.

Mr. Sullivan asked Mr. Van Thiel about recent federal legislation relating to indefinite contracts in nursing homes. Mr. Van Thiel explained that the VA formerly allowed indefinite contracts, wherein veterans could go into private nursing homes and the VA would pay the full cost of room, board and medical expenses. However, these contracts did extend to state veterans homes, because they participate in the VA per diem program. Mr. Van Theil advised that the new legislation will make state veterans home eligible for indefinite contracts for some veterans.

Mr. Sullivan asked Mr. Kemano how he arrived at the number of burials that could be expected

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at the Southwest Virginia Cemetery. Mr. Kemano responded that Mr. Green's estimate was based on total number of veterans in the geographic area, but that consistent variables may reduce that estimate. Mr. Kemano explained that often, private cemeteries pre-sell gravesites to veterans who are unaware of state veterans cemetery services. Mr. Kemano said veterans also may want to be buried next to a loved one already buried in a private cemetery. Mr. Kemano suggested that DVS educate veterans early about their option of being buried at a state veterans cemetery.

Mr. Botts asked that he be provided with written information that can be distributed to JLC member organizations to raise awareness about Virginia veterans cemeteries. Mr. Taylor suggested that the information also be provided to military units.

Mr. Taylor suggested that if President Bush's proposed troop surge goes forward, that DVS identify how many Individual Ready Reserve troops in Virginia will be affected, so that the special needs of these troops and their families may be met during and after their deployment, including loss of income and educational benefits. Chairman Galanti asked Mr. Taylor to provide him with written recommendations and that this matter be tabled for further discussion at the next meeting.

Adjournment

There being no further business, a **motion** was made, seconded and passed unanimously that the meeting be adjourned at approximately 3:30 p.m.